

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

UNITED STATES OF AMERICA

v.

TYRONE BOLDEN

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CR 207-032

O R D E R

On February 5, 2008, Defendant Tyrone Bolden was convicted by a jury of possession with intent to distribute 5 grams or more of cocaine base (Count 1), a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii), and possession of a firearm by a convicted felon, a violation of 18 U.S.C. § 922(g)(1) (Count 2). At sentencing, Bolden was attributed with 11.31 grams of crack cocaine and was determined to be a career offender based upon three prior drug offenses.¹ With a total offense level of 37 and criminal history category of VI, Bolden's guideline range was 360 months to life on Count 1. On April 23, 2008, the Honorable Anthony A. Alaimo sentenced Bolden at the low end of the guidelines to 360 months on Count 1 and 120 months on Count 2 to be served

¹ The three prior offenses are: (1) a 1996 Florida conviction for trafficking in cocaine; (2) a 2000 Georgia conviction for possession of cocaine with intent to distribute; and (3) a 2002 Georgia conviction for sale of cocaine. These convictions occurred when Bolden was 19, 23, and 24 years of age, respectively.

concurrently. He was also sentenced to 8 years of supervised release.

Following implementation of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, the Court recalculated Bolden's guideline range to be 262 to 327 months on Count 1. On June 12, 2019, the undersigned judge reduced Bolden's sentence, again at the low end of the guideline range, to 262 months in prison to be served concurrently with the 120-month sentence for Count 2. The term of supervised release was reduced to 6 years. (Doc. 94.)

On July 3, 2019, the Court denied Bolden's motion for reconsideration, erroneously stating that it did not have authority to go below 262 months. (Doc. 96.) Bolden appealed the sentence reduction to the Eleventh Circuit Court of Appeals. On April 7, 2021, the Eleventh Circuit reversed and remanded the case to this Court to "address whether it will exercise its discretion to award Bolden a sentence reduction." (Doc. 111, at 8.) Bolden, who is now represented by counsel, filed a motion and brief in support to reduce his sentence, advocating a reduction to 188 months. The Government filed a responsive brief addressing some of the points raised by Bolden but ultimately leaving any further reduction to Bolden's sentence to the discretion of the Court. Bolden also filed a reply brief.

There is no dispute that Bolden is eligible for a reduction in sentence under the First Step Act and that this Court may reduce

his sentence below the amended guideline range, which is 262 to 327 months for the drug-related charge. The issue is whether the Court will exercise its discretion to grant Bolden a further reduction in sentence.

District courts have "wide latitude" in exercising their discretion in this context. United States v. Jones, 962 F.3d 1290, 1304 (11th Cir. 2020). The Court has considered the sentencing factors of 18 U.S.C. § 3553(a), the Presentence Investigation Report, and the submissions of counsel.

At the time of his offense, Bolden was 29 years old. He is now 44 years old and has been in continuous custody since July 18, 2007. Perhaps the most compelling evidence of his rehabilitation is the fact that he has had **no** disciplinary infractions in his fourteen years in prison. Bolden received his GED in 2009 and has maintained steady employment at UNICOR. The letters of recommendation from his supervisors (5 in total) indicate that Bolden has a great work ethic and a good rapport with both staff and inmates. (See Mot. to Reduce, Doc. 119, Ex. 3.) Bolden leads a team of 8-12 employees in the screen printing department; he is "an excellent Screen Print Operator . . . [who] embraces his work with enthusiasm" (Id.) Letters from his family and friends demonstrate that Bolden has maintained familial relationships and will have support in his return to society. (Id.) Finally, defense counsel represents in brief that Bolden is

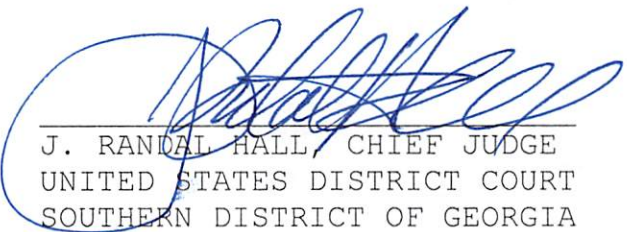
now clean and sober, a marked contrast from the admitted drug addict of 2007.

The Court notes that Bolden was not involved in a large scale drug operation; his case involved a relatively small quantity of crack cocaine. His lengthy sentence was premised on his significant criminal record of drug offenses, which qualified him as a career offender under the Sentencing Guidelines. Yet, there are no violent felonies on his record, and Bolden does not appear to be a danger to society. Hence, while Bolden's criminal history has always been the most impactful negative factor in his sentencing, it is greatly mitigated by his more recent history with particular emphasis on his positive characteristics. Nevertheless, the Court is mindful of the amended guideline range of 262 to 327 months and must ensure that Bolden's sentence serves the statutory purposes of sentencing to promote respect for the law, provide just punishment, and afford adequate deterrence.

Having now considered the § 3553(a) factors as mentioned above, upon thoughtful and careful review of the arguments of counsel and evidence of record, and in consultation with the United States Probation Officer, the Court hereby concludes that a sentence of 210 months is appropriate. His motion to reduce sentence pursuant to the First Step Act (doc. 119) is therefore **GRANTED.**

In accordance with this Order, Defendant Tyrone Bolden's previously imposed sentence of imprisonment of 262 months on Count 1 is reduced to 210 months. His imposed sentence of imprisonment of 120 months on Count 2 remains, to be served concurrently with the sentence on the first count. The term of imprisonment shall be followed by a term of supervised release of 6 years. Except as otherwise provided, all provisions of the judgment dated April 24, 2008 shall remain in effect.

ORDER ENTERED at Augusta, Georgia, this 6th day of August, 2021.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA